

NOTICE OF OBJECTION TO CONFIRMATION

CITIBANK, N.A. has filed papers with the Court to object to the Confirmation of the Chapter 13 Plan.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the Court to object to the Confirmation of the Chapter 13 Plan, or if you want the Court to consider your views on the Objection, then on or before, you or your attorney must:

1. File with the Court an answer, explaining your position at:

**Clerk  
U.S. Bankruptcy Court  
402 E. State Street  
Trenton, NJ 08608**

If you mail your response to the Court for filing, you must mail it early enough so that the Court will *receive* it on or before the date stated above.

You must also mail a copy to:

Phelan Hallinan Diamond & Jones, PC  
400 Fellowship Road, Suite 100  
Mt. Laurel, NJ 08054

Albert Russo  
Standing Chapter 13 Trustee  
CN 4853  
Trenton, NJ 08650-4853

2. Attend the hearing scheduled to be held on 10/09/2018 in the TRENTON Bankruptcy Court, at the following address:

**U.S. Bankruptcy Court  
402 E. State Street  
Trenton, NJ 08608**

If you or your attorney do not make these steps, the Court may decide that you do not oppose the relief sought in the Objection and may enter an Order granting that relief.

Date: September 7, 2018

/s/ Craig Keiser  
Craig Keiser, Esq.  
Phelan Hallinan Diamond & Jones, PC  
400 Fellowship Road, Suite 100  
Mt. Laurel, NJ 08054  
Tel: 856-813-5500 Ext.  
Fax: 856-813-5501  
Email: Craig.Keiser@phelanhallinan.com

**File No. 813821**

Phelan Hallinan Diamond & Jones, PC  
400 Fellowship Road  
Mt. Laurel, NJ 08054  
856-813-5500  
FAX Number 856-813-5501  
CITIBANK, N.A.

In Re:

Thomas A DeFalcon, Jr.  
Joan M DeFalcon, Jr. aka  
Joan M. DeFalcon

Debtors

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY  
TRENTON VICINAGE

Chapter 13

Case No. 18-22151 - MBK

Hearing Date: 10/09/2018

The undersigned, Phelan Hallinan Diamond & Jones, PC, attorneys for Secured Creditor, CITIBANK, N.A., the holder of a Mortgage on debtors residence located at 144 MAPLETREE RD, TOMS RIVER, NJ 08753 hereby objects to the Confirmation of the debtors proposed Chapter 13 Plan on the following grounds:

1. On August 21, 2018, Movant filed a Proof of Claim listing pre-petition arrears in the amount of \$14,177.67.
2. Debtors' Plan fails to cure the delinquency pursuant to 11 U.S.C. §1322(b)(5).
3. Debtors' Plan currently provides for payment to Movant in the amount of \$13,000.00.
4. Movant objects to Debtors' Plan as it is underfunded. Debtors' Plan should be amended.

5. Additionally, Debtor's Plan fails to provide for the full monthly post-petition payment owed to Movant under the terms of the Note and Mortgage. Movant objects to any post-petition payment amount less than 100% of what is required. Accordingly, confirmation of Debtor's proposed Plan should be denied.

WHEREFORE, CITIBANK, N.A. respectfully requests that the Confirmation of Debtors Plan be denied.

/s/ Craig Keiser  
Craig Keiser, Esq.  
Phelan Hallinan Diamond & Jones, PC  
400 Fellowship Road, Suite 100  
Mt. Laurel, NJ 08054  
Tel: 856-813-5500 Ext.  
Fax: 856-813-5501  
Email: Craig.Keiser@phelanhallinan.com

Dated: September 7, 2018

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY  
**Caption in Compliance with D.N.J. LBR 9004-1(b)**

813821  
Phelan Hallinan Diamond & Jones, PC  
400 Fellowship Road, Suite 100  
Mt. Laurel, NJ 08054  
856-813-5500  
Attorneys for CITIBANK, N.A.

In Re:

Thomas A. Defalcon, Jr  
Joan M. Defalcon, Jr a/k/a  
Joan M. Defalcon

Case No: 18-22151 - MBK

Hearing Date: 10/09/2018

Judge: MICHAEL B KAPLAN

Chapter: 13

**CERTIFICATION OF SERVICE**

1. I, MIGUEL ZAVALA:

☐ represent the \_\_\_\_\_ in the above-captioned matter.

☒ am the secretary/paralegal for Phelan Hallinan Diamond & Jones, PC,  
who represents CITIBANK, N.A. in the above captioned matter.

☐ am the \_\_\_\_\_ in the above case and am representing  
myself.

2. On September 7, 2018 I sent a copy of the following pleadings and/or  
documents to the parties listed below:

Objection to Plan

3. I hereby certify under penalty of perjury that the above documents were sent  
using the mode of service indicated.

Dated: September 7, 2018

/s/ MIGUEL ZAVALA  
MIGUEL ZAVALA

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Thomas A DeFalcon, Jr. 144 Mapletree Road Toms River, NJ 08753	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Joan M DeFalcon, Jr. aka Joan M. DeFalcon 144 Mapletree Road Toms River, NJ 08753	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Joseph Purrazzella, Esquire Purrazzella & Purrazzella 3 Franklin Ave. PO Box 50 Toms River, NJ 08754	Debtor's Attorney	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Albert Russo Standing Chapter 13 Trustee CN 4853 Trenton, NJ 08650-4853	Trustee	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)

U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	U.S. Trustee	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
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\* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.